

BIRMINGHAM CITY COUNCIL

PUBLIC REPORT

Report to:	Licensing Sub Committee C
Report of:	Director of Regulation & Enforcement
Date of Meeting:	Wednesday 14th June 2023
Subject:	Licensing Act 2003 Premises Licence – Review
Premises:	S & J Stores T/A Booze and Beverage, 314 Slade Road, Erdington, Birmingham, B23 7LU
Ward affected:	Stockland Green
Contact Officer:	Bhapinder Nandhra, Senior Licensing Officer, licensing@birmingham.gov.uk

1. Purpose of report:
To consider an application to review a Premises Licence.

2. Recommendation:
To consider the review application received and to determine this matter, having regard to: <ul style="list-style-type: none">• The submissions made by all parties• The Statement of Licensing Policy• The Public Sector Equality Duty• The s182 Guidance

3. Brief Summary of Report:
Review application received on 25 th April 2023 from the Chief Inspector of Weights & Measures in respect of S & J Stores T/A Booze and Beverage, 314 Slade Road, Erdington, Birmingham, B23 7LU.

4. Compliance Issues:
4.1 Consistency with relevant Council Policies, Plans or Strategies:
The report complies with the City Council's Statement of Licensing Policy and the Council's Corporate Plan to improve the standard of all licensed persons, premises and vehicles in the City.

5. Relevant background/chronology of key events:

The Chief Inspector of Weights & Measures applied on 25th April 2023 for a review of the Premises Licence under Section 51 of the Licensing Act 2003 for S & J Stores T/A Booze and Beverage, 314 Slade Road, Erdington, Birmingham, B23 7LU.

The Review application is attached. See Appendix 1.

The Premises Licence is attached at Appendix 2.

Site location plans are attached at Appendix 3.

When carrying out its licensing functions, a licensing authority must have regard to Birmingham City Council's Statement of Licensing Policy and the Guidance issued by the Secretary of State under s182 of the Licensing Act 2003.

The Licensing Authority is also required to take such steps as it considers appropriate for the promotion of the licensing objectives, which are: -

- a. The prevention of crime and disorder;
- b. Public safety;
- c. The prevention of public nuisance; and
- d. The protection of children from harm.

6. List of background documents:

Review Application Form, Appendix 1
Copy of Premises Licence, Appendix 2
Site location plans, Appendix 3

7. Options available

Modify the conditions of Licence
Exclude a Licensable activity from the scope of the Licence
Remove the Designated Premises Supervisor
Suspend the Licence for a period not exceeding 3 months
Revoke the Licence
No Action

Where the authority takes a step to modify conditions or exclude a licensable activity, it may provide that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify.

**Application for the review of a premises licence or club premises certificate under the
Licensing Act 2003**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I Paul Ellson (on behalf of Martin Williams, Chief Inspector of Weights & Measures)

Apply for the review of a premises licence under section 51 of The Licensing Act 2003 for the premises described in part 1 below.

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description	
S and J Stores t/a Booze and Beverage (Apple & Apple) 314 Slade Road Erdington Birmingham	
Post town BIRMINGHAM	Post code (if known) B23 7LU

Name of premises licence holder or club holding club premises certificate (if known)
MRS JASVIR KAUR

Number of premises licence or club premises certificate (if known)
1566

Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

☐

2) a responsible authority (please complete (C) below)

YES

3) a member of the club to which this application relates
(please complete (A) below)

☐

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

Mr ☐

Mrs ☐

Miss ☐

Ms ☐

Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick ✓ yes

☐

Current postal
address if
different from
premises
address

Post town

Post Code

Daytime contact telephone number

E-mail address
(optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address; Paul Ellson Birmingham Trading Standards 1-3 Ashted Lock Way Aston Birmingham B7 4AZ Our Ref: 10641072/10549994
Telephone number (if any)
E-mail address (optional)

This application to review relates to the following licensing objective(s)

- | | |
|---|--|
| 1) the prevention of crime and disorder | Please tick one or more boxes ✓
No |
| 2) public safety | Yes |
| 3) the prevention of public nuisance | No |
| 4) the protection of children from harm | Yes |

Please state the ground(s) for review (please read guidance note 2)

On 10th November 2022 Trading Standards Enforcement Officer James McCormack visited the premises of Booze and Beverage, 314 Slade Road, Edington, B23 7LU, Birmingham. During the visit Officer McCormack spoke to an employee of the business called Rajan Verma and explained legislation surrounding the sale of nicotine inhaling products, commonly known as e-cigs or vapes. This included an information letter concerning which e-cig products can be sold under the Tobacco and Related Products Regulations 2016 and that there are age restrictions under the Nicotine Inhaling Products (Age of Sale and Proxy Purchasing) Regulations 2015. The letter also contained the warning statement.

"IMMEDIATELY REMOVE THEM FROM SALE, RETURN THEM TO YOUR SUPPLIER AND NOTIFY THIS SERVICE OF WHERE THE STOCK WAS PURCHASED FROM. IT IS YOUR RESPONSIBILITY TO CHECK AND ENSURE ALL YOUR STOCK COMPLIES FULLY AND THAT YOU ARE ABLE TO PROVIDE PROOF OF PURCHASE WHEN AND IF REQUESTED "

Also was a list of four contact addresses where further compliance information could be found. Mr Verma was also verbally advised to check that all e-cigs/vaping stock in the premises was compliant and to remove stock of e-cigs with over 600 puffs that are not registered with the Medicines Healthcare Products Agency who regulate e-cigs and vapes.

On 29th November 2022 the premises of Booze & Beverage, 314 Slade Road, Erdington B23 7LU was visited in an operation to detect and seize illicit and non-compliant tobacco products using tobacco detection dogs. At approximately 12.43 pm a team of Trading Standards enforcement staff entered the premises and carried out an inspection with the assistance of a search dog. No illicit tobacco was found on the premises however 156 non-complaint and therefore illegal e-cigs were found under the counter. These e-cigs were seized, and a record of the seizure was left with Mr Simran Singh who was in charge of the premises at the time. The officers then left the premises stating that the facts would be reported.

PLEASE PROVIDE AS MUCH INFORMATION AS POSSIBLE TO SUPPORT THE APPLICATION

The Licence for Booze & Beverage, 314 Slade Road, Erdington B23 7LU is held by Mrs Jasvir Kaur under the trading name of S and J Stores. The premises is run by a limited company called Booze and Beverages Limited company number 1233447 under the directorship of Kiranjeet Singh Chugh. The Licence was a straight 'conversion' or 'imbedded' from the previous licencing regime and contains very few enforceable conditions. Bearing in mind the discovery of illegal e-cigs/vaping products on the premises after the premises had been given information on how to comply this request to introduce a set of conditions on the licence should be considered.

Recommendations of licence conditions;

GENERAL

- I. Alcoholic drinks in open containers may not be removed from the premises.
2. A digital Closed Circuit Television System (CCTV) will be installed and maintained in good working order and be correctly time and date stamped.
 - i. The system will incorporate sufficient built-in hard-drive capacity to suit the number of cameras installed.
 - ii. CCTV will be capable of providing pictures of evidential quality in all lighting conditions, particularly facial recognition.
 - iii. Cameras will encompass all ingress and egress to the premises, the immediate area outside the frontage of the Premises and all areas where the sale/supply of alcohol occurs.
 - iv. The system will record and retain CCTV footage for a minimum of 28 days.
 - v. The system will record at all times when the Premises are open.
 - vi. The system will incorporate a means of transferring images from the hard-drive to a format that can be played back on any desktop computer.
 - vii. The Digital recorder will be password protected to prevent unauthorised access, tampering, or deletion of images.
 - viii. There will be at all times, when the premises is open, a member of staff on duty with access to the CCTV system who is trained in the use of the equipment.
 - ix. Upon receipt of a request for a copy of CCTV footage from Police, or Officers or any other Responsible Authority, the member of staff will produce the footage within 24 hours, or less if urgently required for investigations of serious crime.
 - x. CCTV footage must be made available to be viewed by West Midlands Police or an Officer of a Responsible Authority upon request or during an inspection.

INCIDENT BOOK

3. An incident book must be kept at the Premises and maintained up to date (no later than 24 hours after the incident) at all times and will record the following:

- i. Time date and details of all incidents/complaints of crime and disorder or anti-social behaviour
- ii. All crimes reported to the venue
- iii. Any faults in the CCTV system, equipment searching equipment or scanning
- iv. Any visit by a responsible authority or emergency service

The incident book must be kept at the premises and made available to West Midlands Police or an Officer of a Responsible Authority on request, or during an inspection.

REFUSALS REGISTER

4. A refusals register must be kept at the Premises and maintained up to date at all times recording the date time, type of product refused, reasons for every refusal to sell alcohol/tobacco products/electronic cigarettes or any other age restricted products to a customer and the name and signature of member of staff refusing the sale.

5. The refusals record must be made available to West Midlands Police or an Officer of a Responsible Authority on request, or during an inspection.

6. The Premises Licence Holder or the Designated Premises Supervisor must monitor the Refusals Register every month and must sign and date the Refusals Register when this has been completed, or if the Refusals Register is electronic the check and date and time of the check must be clearly recorded.

TRAINING

7. Training in relation to the Licensing Objectives and the conditions on the premises licence, Challenge 25, under age sales, sales to adults on behalf of minor (proxy sales), sales to intoxicated persons, refusals registers and incident records must be provided and undertaken by all members of staff (whether paid or unpaid) before he/ she makes a sale or supply of alcohol/tobacco products /electronic cigarettes and at least every six months thereafter.

8. Documented training records must be completed in respect of every member of staff and must include the name of the member of staff trained date, time and content of the training.

The record must be signed by the member of staff who has received the training, the Designated Premises Supervisor, the Premises Licence Holder or external training providers.

9. Documented training records must be kept at the premises and made available to West

THE PREVENTION OF CRIME AND DISORDER

10. Invoices and receipts must be provided for alcohol/tobacco/electronic cigarettes purchased by the Premises Licence Holder or the Designated Premises Supervisor or any person authorised to purchase alcohol/tobacco products/electronic cigarettes on their behalf for sale at the Premises. All Invoices and receipts of alcohol/tobacco products/electronic cigarettes purchased for sale at the Premises must be retained for a period of at least twelve months from the date of the Invoice or receipt. All invoices and receipts of alcohol/tobacco products/electronic cigarettes purchased for sale at the Premises are to be made available to authorised officers of responsible authorities within 48 hours of such a request.

11. The Premises Licence Holder shall maintain a list of suppliers it approves alcohol/tobacco products/electronic cigarettes to be purchased from. That list must include the name, address, AWRS number or reason why there is no such number and contact details. That document to be made available to authorised officers of responsible authorities on request or during an inspection.

THE PREVENTION OF PUBLIC NUISANCE

12. The Premises Licence Holder shall ensure notices are displayed at all entrances and exits of the premises advising customers to have respect for the nearby residents and keep noise levels to a minimum as they depart.

PUBLIC SAFETY

13. The Licence Holder shall ensure that all emergency lighting is checked on a weekly basis. Entrances, exits and passageways shall be kept clear.

THE PROTECTION OF CHILDREN FROM HARM

14. The premises licence holder shall adopt the Challenge 25 scheme and appropriate signage and age restricted identity poster will be placed at the entrance to the premises and throughout the store. The premises will operate a policy whereby any person attempting to buy alcohol/tobacco products /electronic cigarettes or any person attempting to gain entry for premises who appears to be under 25 will be asked for photographic ID to prove their age. The ID that will be accepted is a passport or driving licence with a photograph.

15. The premises licence holder shall display Challenge 25 posters in prominent positions within the premises, including at the point of sale and the entrance to the premises.

There has been quite clearly a lack of observance with regard to the four Licensing objectives, but I would leave it to the committee to decide on the

final determination.

These conditions proposed may be beneficial to the trader and the community at large.

Previous history of this shop.

During the visit of 10th November 2022, the officer attending the premises believed there were indications that illicit tobacco was on sale. On the 21st February 2023 a test purchase of alcohol was attempted at the premises using a underage 18 year old. The premises refused the sale and therefore complied with their legal obligations under the Licensing Act 2003.

Have you made an application for review relating to the premises before

If yes please state the date of that application

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

If you have made representations before relating to the premises, please state what they were and when you made them

N/A

Please tick ✓ yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate **YES**
- I understand that if I do not comply with the above requirements my application will be rejected **YES**

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE

WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant's solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant, please state in what capacity.**

Signature

Date

25/4/2023.

Capacity Trading Standards Enforcement Officer

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

LICENSING ACT 2003**PREMISES LICENCE****Premises Licence Number:**

1566

Part 1 - Premises details:**Postal address of premises, or if none, ordnance survey map reference or description**

S & J Stores
 314 Slade Road
 Erdington

Post town:

Birmingham

Post Code:

B23 7LU

Telephone Number:**Where the licence is time limited the dates**

N/A

Licensable activities authorised by the licence

M2 Sale of alcohol by retail (off the premises)

The times the licence authorises the carrying out of licensable activities

Monday – Saturday	08:00	-	23:00	M2
Sunday	10:00	-	22:30	M2
Good Friday	10:00	-	22:30	M2
Christmas Day	12:00	-	15:00	M2
	19:00	-	22:30	M2

The opening hours of the premises

Not Specified

Where the licence authorises supplies of alcohol whether these are on and/or off supplies

Off Supplies

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence Mrs Jasvir Kaur	
Post town:	Post Code:
Telephone Number:	
Email: N/A	

Registered number of holder for example company number or charity number (where applicable) N/A

Name, address, telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol Mrs Jasvir Kaur	
Post town:	Post Code:
Telephone Number:	

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol	
Licence Number CV205000355	Issuing Authority COVENTRY CITY COUNCIL

Dated 30/11/2005

David Kennedy
Senior Licensing Officer
For Senior Assistant Director, Regulatory Services

Annex 1 – Mandatory Conditions

No supply of alcohol may be made under the premises licence (a) at a time when there is no designated premises supervisor in respect of the premises licence, or (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

Every retail sale or supply of alcohol made under this licence must be made or authorised by a person who holds a personal licence.

Embedded Restrictions

Alcohol shall not be sold or supplied except during permitted hours. In this condition, permitted hours means: a. On weekdays, other than Christmas Day, 8 am. to 11 pm. b. On Sundays, other than Christmas Day, 10 am. to 10.30 pm. c. On Christmas Day, 12 noon to 3 pm. and 7 pm. to 10.30 pm. d. On Good Friday, 8 am. to 10.30 p.m. The above restrictions do not prohibit: (a) during the first twenty minutes after the above hours, the taking of the alcohol from the premises, unless the alcohol is supplied or taken in an open vessel; (b) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered; (c) the sale of alcohol to a trader or club for the purposes of the trade or club; (d) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces.

Alcohol shall not be sold in an open container or be consumed in the licensed premises.

Annex 2 – Conditions consistent with operating schedule

2a) General conditions consistent with the operating schedule

No enforceable conditions identified from operating schedule.

2b) Conditions consistent with, and to promote the prevention of crime and disorder

No enforceable conditions identified from operating schedule.

2c) Conditions consistent with, and to promote, public safety

No enforceable conditions identified from operating schedule.

2d) Conditions consistent with, and to promote the prevention of public nuisance

No enforceable conditions identified from operating schedule.

2e) Conditions consistent with, and to promote the protection of children from harm

No enforceable conditions identified from operating schedule.

Annex 3 – Conditions attached after hearing by licensing authority

3a) General committee conditions

N/A

3b) Committee conditions to promote the prevention of crime and disorder

N/A

3c) Committee conditions to promote public safety

N/A

3d) Committee conditions to promote the prevention of public nuisance

N/A

3e) Committee conditions to promote the protection of children from harm

N/A

Annex 4 – Plans

The plan of the premises with reference number **30138-1566/1** which is retained with the public register kept by Birmingham City Council and available free of charge for inspection between the hours of 9am – 4pm Monday, Tuesday and Thursday, 10am – 4pm Wednesday and 9am – 3.30pm Friday (excluding Bank Holidays etc) at the Licensing Service, Crystal Court, Aston Cross Business Village, 50 Rocky Lane, Aston, Birmingham B6 5RQ.



